

116TH CONGRESS  
1ST SESSION

# H. R. 2570

To ensure that polluters pay ongoing water treatment costs associated with contamination from perfluoroalkyl and polyfluoroalkyl substances, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2019

Mr. ROUDA introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

# A BILL

To ensure that polluters pay ongoing water treatment costs associated with contamination from perfluoroalkyl and polyfluoroalkyl substances, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “PFAS User Fee Act  
5 of 2019”.

**6 SEC. 2. FINDINGS.**

7       Congress finds the following:

1                             (1) Perfluoroalkyl and polyfluoroalkyl substances have emerged as pervasive contaminants in sources of drinking water and water to be treated by treatment works.

5                             (2) Such substances are not naturally occurring, but are present in water because of manufacturing and distribution of PFAS in commerce.

8                             (3) Such substances pose serious risks to health, including risks of cancer, reproductive and developmental effects, and effects on the immune system, liver, and kidneys.

12                          (4) Because of these risks, regulatory limits continue to be established for PFAS in drinking water and effluent from treatment works.

15                          (5) Removing PFAS from water results in significant ongoing operation and maintenance costs.

17                          (6) Those costs are currently borne by community water systems and treatment works, and in turn by ratepayers.

20                          (7) Those costs should rightly be borne by the manufacturers of PFAS, who are using community water systems and treatment works to remove their pollution from the environment.

24 **SEC. 3. DEFINITIONS.**

25                          In this Act:

1                             (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

4                             (2) AFFECTED FACILITY.—The term “affected facility” means—

6                                 (A) a community water system that has operation and maintenance costs associated with the removal of PFAS from water of the community water system; or

10                                 (B) a treatment works that has operation and maintenance costs associated with the removal of PFAS from effluent prior to discharge from the treatment works.

14                             (3) COMMUNITY WATER SYSTEM.—The term “community water system” has the meaning given that term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

18                             (4) DISADVANTAGED COMMUNITY.—The term “disadvantaged community” has the meaning given that term in section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

22                             (5) MANUFACTURE.—The term “manufacture” has the meaning given that term in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

1                         (6) PFAS.—The term “PFAS” means a  
2                         perfluoroalkyl or polyfluoroalkyl substance with at  
3                         least one fully fluorinated carbon atom.

4                         (7) TREATMENT WORKS.—The term “treatment  
5                         works” has the meaning given that term in section  
6                         212 of the Federal Water Pollution Control Act (33  
7                         U.S.C. 1292).

8 **SEC. 4. PFAS MANUFACTURER USER FEE.**

9                         (a) IN GENERAL.—The Administrator shall, by rule,  
10                         establish fees for the manufacture of PFAS, which shall  
11                         be assessed to each person manufacturing PFAS based  
12                         on the amount of PFAS manufactured by the person.

13                         (b) INITIAL FEE.—Not later than 12 months after  
14                         the date of enactment of this Act, the Administrator shall  
15                         establish fees under subsection (a) that are sufficient to  
16                         ensure the collection of not less than \$2,000,000,000 dol-  
17                         lars per year.

18                         (c) REVIEW AND UPDATE.—Not less frequently than  
19                         every 2 years, the Administrator shall review the fees es-  
20                         tablished under subsection (a) and update such fees as  
21                         necessary to ensure that the fee collections are sufficient  
22                         to cover at least 25 percent of the operation and mainte-  
23                         nance costs associated with the removal of PFAS by af-  
24                         fected facilities.

1   **SEC. 5. PFAS TREATMENT TRUST FUND.**

2       (a) ESTABLISHMENT.—There is established in the  
3   Treasury of the United States a trust fund to be known  
4   as the “PFAS Treatment Trust Fund”, consisting of such  
5   amounts as may be appropriated to such Trust Fund.

6       (b) TRANSFER TO TRUST FUND OF AMOUNTS  
7   EQUIVALENT TO USER FEES.—There are hereby appro-  
8   priated to the PFAS Treatment Trust Fund amounts  
9   equivalent to the fees collected under section 4.

10      (c) EXPENDITURES FROM TRUST FUND.—Amounts  
11   in the PFAS Treatment Trust Fund shall be available,  
12   without further appropriation, only for purposes of mak-  
13   ing expenditures to carry out section 6.

14   **SEC. 6. SUPPORT FOR OPERATION AND MAINTENANCE OF**  
15                           **COMMUNITY WATER SYSTEMS AND TREAT-**  
16                           **MENT WORKS.**

17       (a) GRANTS.—The Administrator shall make grants  
18   to affected facilities to pay for operation and maintenance  
19   costs associated with the removal of PFAS.

20       (b) APPLICATIONS.—

21           (1) GUIDANCE.—Not later than 12 months  
22   after the date of enactment of this Act, the Adminis-  
23   trator shall publish guidance describing the form  
24   and timing for affected facilities to apply for grants  
25   under this section.

1                             (2) REQUIRED INFORMATION.—The Adminis-  
2                             trator shall require an affected facility applying for  
3                             a grant under this section to submit information  
4                             showing the presence of PFAS in water at the facil-  
5                             ity.

6                             (c) PRIORITY.—The Administrator shall prioritize for  
7                             funding grants to affected facilities serving disadvantaged  
8                             communities.

○